

Amend claim 32 as follows:

--32. (amended) Pharmaceutical [compositions] composition, comprising [as the active substance,] an anti-idiotypic antibody according to claim 25.--

Amend claim 33 as follow:

--33. (amended) Pharmaceutical [compositions] composition, comprising [as the active substance,] an anti-idiotypic antibody according to claim 26.--

Amend claim 34 as follows:

--34. (amended) Pharmaceutical [compositions] composition, comprising [as the active substance] the Fab fragment according to claim 27.--

Amend claim 35 as follows:

--35. (amended) Pharmaceutical [compositions] composition, comprising [as the active substance] the complex according to claim 29.--

Make of record the attached verified translation of French patent application No. 95.15243, filed December 21, 1995.

Kindly make of record the attached Rule 132 Declaration of Dr. Jean Plouet.

R E M A R K S

At the outset, applicants and their attorneys wish to thank Examiners Nolan and Ewoldt for the courtesy of the recent interview. The Examiners' careful attention to the application on that occasion is greatly appreciated.

By the present amendment, the specification and claims are amended as needed, so as to place this application in condition for allowance at the time of the next Official Action. For the sake of good order, the following remarks will deal with the various issues in the Official Action, in the same order raised therein.

As regards the restriction requirement discussed at Item 1 of the Official Action, applicants note that the requirement has been maintained and made final; nevertheless, in the expectation that the independent claim 25 will be placed in condition for allowance by the present amendment, it would now be timely to rejoin claims 18-24 and 31 with the claims subject to examination, at the time of issuing a Notice of Allowance in this case. To that end, the language of the independent claims 18, 22 and 23 is revised herewith to render it more clearly commensurate with that of claim 25. Rejoinder of non-elected claims is of course especially appropriate during the U.S. national phase of a PCT application, upon the allowance of a corresponding elected independent claim, given the prior art-related definition of "special technical feature" set forth in PCT Rule 13.2. Such rejoinder is accordingly respectfully requested.

As regards the informalities noted at Item 4 of the Official Action, the International application contains seven sheets of figures. The legend "Figure 5" is legible on sheet number 6 of the drawings in the undersigned's file, whereas the final sheet of drawings (Figure 6) contains no legend.

Accordingly, attached to the present amendment is a Request for Permission to Make Drawing Corrections, so as to label Figure 6. If the figure legend for Figure 5 is illegible in the PTO file, the Examiner need only telephone the undersigned and a replacement Figure 5 will be supplied.

The sentence objected to on page 14 is corrected merely by deleting the phrase "as described above", considering that the sentence already contains a literature reference describing the purification technique.

At page 19, line 28, the acronym ACE is suitably expanded (for an example showing that this is conventional terminology, see Example 6 of U.S. patent No. 5,136,025).

The misspelling alertly detected by the Examiner on page 20 of the Official Action is corrected herewith, and the term "trigger off" is now indicated as being synonymous with --induce--, at the first occurrence of that term on page 6 of the specification, and as was correctly surmised by the Examiner.

The indefiniteness rejection of claims 29, 30 and 32-35, as applied at Item 7 of the Official Action, is believed to be overcome by suitable amendment to those claims made herewith. It is believed that the nature of the changes and the sufficiency of those changes to resolve the points of indefiniteness are self-evident.

At Items 8 and 9 of the Official Action, claims 25, 30 and 32 were rejected as allegedly being anticipated by PLOUET et al., "VEGF Dependent Tumoral Progression: Stimula-

tion by Anti VEGF Idiotypic Antibodies", Journal of Cellular Biochemistry, Supplement 18A, 1994, page 328. That rejection is respectfully traversed, for the following reasons.

The attached Rule 132 Declaration of the first-named inventor, Dr. Jean Plouet, addresses this rejection in considerable detail. Indeed, as the first-named author of the applied reference, he is in a good position to know what it actually teaches, and the attached declaration establishes this, and more.

As can be seen from the attached declaration, a detailed description of the development of the claimed invention is set forth, including further explanation on the teaching of the applied PLOUET et al. reference, and the specific differences between the teaching of the reference and claims 25, 30 and 32.

Note that the declaration is submitted in unsigned version for the moment. A signed version is forthcoming, and will be forwarded to the Examiner upon receipt by the undersigned. Also, at the recent interview, the Examiner expressed a preference for receiving the collection of literature articles referenced in "Annex 1" attached to the declaration. Accordingly, copies of those articles have been requested of the client, and will likewise be forwarded to the Examiner, together with the executed declaration, under cover of a brief supplemental amendment, once they are received.

In light of the discussion given in the attached declaration, it is believed to be apparent that the PLOUET et al. abstract is not anticipatory of any claims 25, 30 and 32.

At Item 10 of the Official Action, claims 25-28, 30 and 32-34 were rejected as allegedly being anticipated by U.S. patent No. 5,942,385. That rejection is also respectfully traversed.

As was discussed at the interview, the U.S. filing date of the '385 patent is subsequent to the French priority date of the present application. Accordingly, a verified English translation of the French priority document is attached to the present amendment, thereby to remove the '385 patent as prior art. Moreover, we observe that this was the only prior art rejection pertaining to claims 26, 28, 33 and 34, such that it is assumed that those claims are now in condition for allowance.

At Item 12 of the Official Action, claim 27 was rejected as allegedly being unpatentable based on the PLOUET et al. abstract, in view of KIEBER-EMMONS et al. "International Reviews of Immunology", Vol. 1, No. 1, 1986; and at Item 13 of the Official Action, claims 29 and 35 were rejected as allegedly being unpatentable over either the PLOUET et al. abstract or the '385 patent, each in view of U.S. patent No. 4,792,447 or U.S. patent No. 4,737,453.


These rejections depend on primary references that either are not prior art (the '385 patent) or describe antibodies distinct from those claimed (the PLOUET et al.

abstract). As such, the additional secondary references do not bring the primary references closer to the more fundamental aspects of the invention, as discussed above and at the recent interview, and especially as discussed at length in the attached Rule 132 Declaration. Consequently, it is believed that all of claims 18-35 as amended herewith may now be allowed.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, with claims 18-35, as amended. Allowance and passage to issue on that basis are accordingly respectfully requested.

Respectfully submitted,

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S.N. 09/091,561
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Fig. 6

